



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

Office of Public Affairs

Telephone: 301/415-8200

Washington, DC 20555-0001

E-mail: opa@nrc.gov

Web Site: <http://www.nrc.gov/OPA>

No. 04-094

August 12, 2004

NRC REVISES ENFORCEMENT POLICY TO INCLUDE ALTERNATIVE DISPUTE RESOLUTION

The Nuclear Regulatory Commission is revising its enforcement policy to include an interim policy regarding the voluntary use of alternative dispute resolution (ADR) in addressing discrimination complaints and other allegations of wrongdoing.

The revisions aim to use ADR in two potential scenarios: (1) before initiation of an NRC investigation (so-called "early ADR"), when the parties would be the whistleblower and the licensee; and (2) after completion of an investigation, when the parties would be the NRC and the licensee. The aim is to reach settlement within 90 days of agreeing to mediation.

"Quick resolution of claims through early alternative dispute resolution is intended to improve the safety-conscious work environment by reassuring employees that their claims will be heard promptly by an impartial mediator," said Frank Congel, director of the NRC's Office of Enforcement.

These revisions were first published for public comment in the *Federal Register* on April 20 as a pilot program. The NRC received 11 sets of comments in response to that notice, all of which were from nuclear power reactor licensees or representatives of power reactor licensees. All comments were supportive of the proposal. The comments and NRC staff responses are summarized in a new *Federal Register* notice to be published shortly. The complete comments are also available on the Office of Enforcement's ADR Web page at <http://www.nrc.gov/what-we-do/regulatory/enforcement/adr.html#comments>.

The interim policy implementing the pilot program will take effect in two phases:

- ADR after an NRC investigation is completed will be available immediately upon publication in the *Federal Register*.
- Early ADR will be offered approximately 30 days after publication, to allow NRC staff time to prepare a brochure providing additional information for whistleblowers to make informed choices about voluntarily engaging in ADR.

The interim policy will be effective for about two years, at which time the NRC will decide whether to make it permanent.

Comments on the interim policy will be accepted for 30 days after publication of the *Federal Register* notice. Send written comments to Michael T. Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop: T6D59, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001. Comments may also be e-mailed to nrcprep@nrc.gov , or hand delivered to 11555 Rockville Pike, Rockville, Md., between 7:30 a.m. and 4:15 p.m. on federal workdays.

###